

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UNITED STATES OF AMERICA	:	20Cr0305 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
ADRIAN ALFARO DIAZ,	:	
Defendant.	:	
-----	X	

DENISE COTE, District Judge:

The above-captioned matter having been assigned to this Court, it is hereby

ORDERED that an initial conference is scheduled for Thursday, **July 16, 2020** at **2:00 p.m.** to occur in court, in Courtroom 18B, 500 Pearl Street, if that is possible. A trial date will be set at the conference. In the event the defendant has not already been arraigned, the conference will also include his arraignment.

IT IS FURTHER ORDERED that by **July 10, 2020**, defense counsel shall advise the Court whether the defendant consents to proceed in a videoconference in the event an in-person conference cannot occur on July 16.

IT IS FURTHER ORDERED that if an in-person proceeding cannot occur and the defendant consents to a videoconference proceeding, an Order will issue that provides the date and time of the videoconference, as well as the credentials necessary for


accessing the proceeding via CourtCall. The CourtCall platform permits the defendant, defense counsel, and the Government to appear, each from their separate locations, before the Court by video, and affords the defendant and defense counsel the opportunity to consult with each other separately in a breakout room upon request.

IT IS FURTHER ORDERED that should the defendant consent to proceed via videoconference, defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceeding with the defendant. If the defendant is able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall file the executed form at least 24 hours prior to the conference. In the event the defendant consents, but counsel is unable to obtain or affix the defendant's signature on the form, the Court will conduct an inquiry at the outset of the conference to determine whether it is appropriate for the Court to add the defendant's signature to the form.

IT IS FURTHER ORDERED that time is excluded in this action from today until July 16, 2020, pursuant to 18 U.S.C. § 3161(h)(7)(A). The Court finds that the circumstances created by the COVID-19 pandemic prevent the initial conference from proceeding for at least this period of time, and that the

interests of justice supporting this exclusion outweigh the best interests of the defendants and the public in a speedy trial.

Dated: New York, New York  
June 22, 2020

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge

April 2, 2020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT AT  
CRIMINAL PROCEEDING**

,  
Defendant.

-CR- ( ) ( )

-----X

**Check Proceeding that Applies**

\_\_\_\_ Arraignment

I have been given a copy of the indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the indictment; to have the indictment read aloud to me if I wish; and to enter a plea of either guilty or not guilty before the judge. After consultation with my attorney, I wish to plead not guilty. By signing this document, I wish to advise the court of the following. I willingly give up my right to appear in a courtroom in the Southern District of New York to advise the court that:

- 1) I have received and reviewed a copy of the indictment.
- 2) I do not need the judge to read the indictment aloud to me.
- 3) I plead not guilty to the charges against me in the indictment.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_ Bail Hearing

I am applying or in the future may apply for release from detention, or if not detained, for modification of the conditions of my release from custody, that is, my bail conditions. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time that my attorney makes such an application. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to make applications for my release from custody or for modification of the conditions of my release even though I will not be present, and to make such applications in writing or by telephone in my attorney's discretion.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_ Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date:

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date:

\_\_\_\_\_  
Signature of Defense Counsel

\_\_\_\_\_  
Print Name

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

\_\_\_\_\_.

Date:

\_\_\_\_\_  
Signature of Defense Counsel

**Accepted:**

\_\_\_\_\_  
Signature of Judge

Date: